



General Assembly

Amendment

February Session, 2016

LCO No. 5224



Offered by:

REP. TONG, 147th Dist.
SEN. COLEMAN, 2nd Dist.
REP. SIMMONS, 144th Dist.

REP. REBIMBAS, 70th Dist.
SEN. KISSEL, 7th Dist.
SEN. FORMICA, 20th Dist.

To: Subst. House Bill No. **5605**

File No. 423

Cal. No. 288

"AN ACT CONCERNING THE TERMINATION OF PARENTAL RIGHTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (j) of section 17a-112 of the 2016 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective July 1, 2016*):

6 (j) The Superior Court, upon notice and hearing as provided in
7 sections 45a-716 and 45a-717, as amended by this act, may grant a
8 petition filed pursuant to this section if it finds by clear and convincing
9 evidence that (1) the Department of Children and Families has made
10 reasonable efforts to locate the parent and to reunify the child with the
11 parent in accordance with subsection (a) of section 17a-111b, unless the
12 court finds in this proceeding that the parent is unable or unwilling to
13 benefit from reunification efforts, except that such finding is not

14 required if the court has determined at a hearing pursuant to section
15 17a-111b, or determines at trial on the petition, that such efforts are not
16 required, (2) termination is in the best interest of the child, and (3) (A)
17 the child has been abandoned by the parent in the sense that the parent
18 has failed to maintain a reasonable degree of interest, concern or
19 responsibility as to the welfare of the child; (B) the child (i) has been
20 found by the Superior Court or the Probate Court to have been
21 neglected, abused or uncared for in a prior proceeding, or (ii) is found
22 to be neglected, abused or uncared for and has been in the custody of
23 the commissioner for at least fifteen months and the parent of such
24 child has been provided specific steps to take to facilitate the return of
25 the child to the parent pursuant to section 46b-129 and has failed to
26 achieve such degree of personal rehabilitation as would encourage the
27 belief that within a reasonable time, considering the age and needs of
28 the child, such parent could assume a responsible position in the life of
29 the child; (C) the child has been denied, by reason of an act or acts of
30 parental commission or omission including, but not limited to, sexual
31 molestation or exploitation, severe physical abuse or a pattern of
32 abuse, the care, guidance or control necessary for the child's physical,
33 educational, moral or emotional well-being, except that nonaccidental
34 or inadequately explained serious physical injury to a child shall
35 constitute prima facie evidence of acts of parental commission or
36 omission sufficient for the termination of parental rights; (D) there is
37 no ongoing parent-child relationship, which means the relationship
38 that ordinarily develops as a result of a parent having met on a day-to-
39 day basis the physical, emotional, moral and educational needs of the
40 child and to allow further time for the establishment or
41 reestablishment of such parent-child relationship would be
42 detrimental to the best interest of the child; (E) the parent of a child
43 under the age of seven years who is neglected, abused or uncared for,
44 has failed, is unable or is unwilling to achieve such degree of personal
45 rehabilitation as would encourage the belief that within a reasonable
46 period of time, considering the age and needs of the child, such parent
47 could assume a responsible position in the life of the child and such
48 parent's parental rights of another child were previously terminated

49 pursuant to a petition filed by the Commissioner of Children and
50 Families; (F) the parent has killed through deliberate, nonaccidental act
51 another child of the parent or has requested, commanded, importuned,
52 attempted, conspired or solicited such killing or has committed an
53 assault, through deliberate, nonaccidental act that resulted in serious
54 bodily injury of another child of the parent; or (G) the parent [was
55 convicted as an adult or a delinquent by a court of competent
56 jurisdiction of a sexual assault resulting] committed an act that
57 constitutes sexual assault as described in section 53a-70, 53a-70a, 53a-
58 70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or compelling a spouse or
59 cohabitor to engage in sexual intercourse by the use of force or by the
60 threat of the use of force as described in section 53a-70b, if such act
61 resulted in the conception of the child. [, except a conviction for a
62 violation of section 53a-71 or 53a-73a, provided the court may
63 terminate such parent's parental rights to such child at any time after
64 such conviction.]

65 Sec. 2. Subsections (g) to (j), inclusive, of section 45a-717 of the 2016
66 supplement to the general statutes are repealed and the following is
67 substituted in lieu thereof (*Effective July 1, 2016*):

68 (g) At the adjourned hearing or at the initial hearing where no
69 investigation and report has been requested, the court may approve a
70 petition terminating the parental rights and may appoint a guardian of
71 the person of the child, or, if the petitioner requests, the court may
72 appoint a statutory parent, if it finds, upon clear and convincing
73 evidence, that (1) the termination is in the best interest of the child, and
74 (2) (A) the child has been abandoned by the parent in the sense that the
75 parent has failed to maintain a reasonable degree of interest, concern
76 or responsibility as to the welfare of the child; (B) the child has been
77 denied, by reason of an act or acts of parental commission or omission,
78 including, but not limited to sexual molestation and exploitation,
79 severe physical abuse or a pattern of abuse, the care, guidance or
80 control necessary for the child's physical, educational, moral or
81 emotional well-being. Nonaccidental or inadequately explained
82 serious physical injury to a child shall constitute prima facie evidence

83 of acts of parental commission or omission sufficient for the
84 termination of parental rights; (C) there is no ongoing parent-child
85 relationship which is defined as the relationship that ordinarily
86 develops as a result of a parent having met on a continuing, day-to-
87 day basis the physical, emotional, moral and educational needs of the
88 child and to allow further time for the establishment or
89 reestablishment of the parent-child relationship would be detrimental
90 to the best interests of the child; (D) a child of the parent (i) was found
91 by the Superior Court or the Probate Court to have been neglected,
92 abused or uncared for, as those terms are defined in section 46b-120, in
93 a prior proceeding, or (ii) is found to be neglected, abused or uncared
94 for and has been in the custody of the commissioner for at least fifteen
95 months and such parent has been provided specific steps to take to
96 facilitate the return of the child to the parent pursuant to section 46b-
97 129 and has failed to achieve such degree of personal rehabilitation as
98 would encourage the belief that within a reasonable time, considering
99 the age and needs of the child, such parent could assume a responsible
100 position in the life of the child; (E) a child of the parent, who is under
101 the age of seven years is found to be neglected, abused or uncared for,
102 and the parent has failed, is unable or is unwilling to achieve such
103 degree of personal rehabilitation as would encourage the belief that
104 within a reasonable amount of time, considering the age and needs of
105 the child, such parent could assume a responsible position in the life of
106 the child and such parent's parental rights of another child were
107 previously terminated pursuant to a petition filed by the
108 Commissioner of Children and Families; (F) the parent has killed
109 through deliberate, nonaccidental act another child of the parent or has
110 requested, commanded, importuned, attempted, conspired or solicited
111 such killing or has committed an assault, through deliberate,
112 nonaccidental act that resulted in serious bodily injury of another child
113 of the parent; (G) except as provided in subsection (h) of this section,
114 the parent committed an act that constitutes sexual assault as
115 described in section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b
116 or 53a-73a or compelling a spouse or cohabitor to engage in sexual
117 intercourse by the use of force or by the threat of the use of force as

118 described in section 53a-70b, if such act resulted in the conception of
119 the child; or [(G)] (H) the parent was [convicted as an adult or a
120 delinquent by a court of competent jurisdiction of sexual assault
121 resulting] finally adjudged guilty of sexual assault under section 53a-
122 70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a or of
123 compelling a spouse or cohabitor to engage in sexual intercourse by
124 the use of force or by the threat of the use of force under section 53a-
125 70b, if such act resulted in the conception of [a] the child. [except for a
126 violation of section 53a-71 or 53a-73a provided the court may
127 terminate such parent's parental rights to such child at any time after
128 such conviction.]

129 (h) If the petition alleges an act described in subparagraph (G) of
130 subsection (g) of this section that resulted in the conception of the child
131 as a basis for termination of parental rights and the court determines
132 that the respondent parent was finally adjudged not guilty of such act
133 of sexual assault under section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-
134 72a, 53a-72b or 53a-73 or of compelling a spouse or cohabitor to engage
135 in sexual intercourse by the use of force or by the threat of the use of
136 force under section 53a-70b, the court shall transfer the case to the
137 Superior Court and the clerk of the Probate Court shall transmit to the
138 clerk of the Superior Court to which the case was transferred, the
139 original files and papers in the case. The Superior Court, upon hearing
140 after notice as provided in this section and section 45a-716, may grant
141 the petition as provided in this section.

142 [(h)] (i) Except in the case where termination is based on consent, in
143 determining whether to terminate parental rights under this section,
144 the court shall consider and shall make written findings regarding: (1)
145 The timeliness, nature and extent of services offered, provided and
146 made available to the parent and the child by a child-placing agency to
147 facilitate the reunion of the child with the parent; (2) the terms of any
148 applicable court order entered into and agreed upon by any individual
149 or child-placing agency and the parent, and the extent to which all
150 parties have fulfilled their obligations under such order; (3) the
151 feelings and emotional ties of the child with respect to the child's

152 parents, any guardian of the child's person and any person who has
153 exercised physical care, custody or control of the child for at least one
154 year and with whom the child has developed significant emotional
155 ties; (4) the age of the child; (5) the efforts the parent has made to
156 adjust such parent's circumstances, conduct or conditions to make it in
157 the best interest of the child to return the child to the parent's home in
158 the foreseeable future, including, but not limited to, (A) the extent to
159 which the parent has maintained contact with the child as part of an
160 effort to reunite the child with the parent, provided the court may give
161 weight to incidental visitations, communications or contributions and
162 (B) the maintenance of regular contact or communication with the
163 guardian or other custodian of the child; and (6) the extent to which a
164 parent has been prevented from maintaining a meaningful relationship
165 with the child by the unreasonable act or conduct of the other parent of
166 the child, or the unreasonable act of any other person or by the
167 economic circumstances of the parent.

168 [(i)] (j) If the parental rights of only one parent are terminated, the
169 remaining parent shall be sole parent and, unless otherwise provided
170 by law, guardian of the person.

171 [(j)] (k) In the case where termination of parental rights is granted,
172 the guardian of the person or statutory parent shall report to the court
173 within thirty days of the date judgment is entered on a case plan, as
174 defined by the federal Adoption Assistance and Child Welfare Act of
175 1980, as amended from time to time, for the child. At least every three
176 months thereafter, such guardian or statutory parent shall make a
177 report to the court on the implementation of the plan. The court may
178 convene a hearing upon the filing of a report and shall convene a
179 hearing for the purpose of reviewing the plan no more than twelve
180 months from the date judgment is entered or from the date of the last
181 permanency hearing held pursuant to subsection (k) of section 46b-129
182 if the child or youth is in the care and custody of the Commissioner of
183 Children and Families, whichever is earlier, and at least once a year
184 thereafter until such time as any proposed adoption plan has become
185 finalized. If the Commissioner of Children and Families is the statutory

186 parent for the child, at such a hearing the court shall determine
187 whether the department has made reasonable efforts to achieve the
188 permanency plan. In the case where termination of parental rights is
189 granted, the guardian of the person or statutory parent shall obtain the
190 approval of the court prior to placing the child or youth for adoption
191 outside the state. Before ordering or approving such placement, the
192 court shall make findings concerning compliance with the provisions
193 of section 17a-175. Such findings shall include, but not be limited to: (1)
194 A finding that the state has received notice in writing from the
195 receiving state, in accordance with subsection (d) of Article III of
196 section 17a-175, indicating that the proposed placement does not
197 appear contrary to the interests of the child, (2) the court has reviewed
198 such notice, (3) whether or not an interstate compact study or other
199 home study has been completed by the receiving state, and (4) if such a
200 study has been completed, whether the conclusions reached by the
201 receiving state as a result of such study support the placement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	17a-112(j)
Sec. 2	July 1, 2016	45a-717(g) to (j)